

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-34. (Canceled)

35. (Currently Amended) A code division multiple access (CDMA) user device comprising:

a transceiver configured to communicate over a plurality of wireless channels with a transmitter in a base station;

~~the transceiver being further configured to receive data traffic from at least one data buffer in the base station over a data traffic channel and to receive control data indicative of a data rate associated with the data traffic channel over a control channel;~~

wherein the transceiver is dynamically assigned additional data traffic channels for receiving data traffic based on an urgency factor indicative of the urgency of the data traffic to be transmitted from the at least one data buffer in the base station; and

wherein the urgency factor is used to determine channel allocation based on a data type of the data traffic determined using the amount of data traffic present in the at least one data buffer in the base station.

36. (Canceled)

37. (Previously Presented) The CDMA user device according to claim 35, wherein the urgency factor represents the need for the CDMA user device to receive data traffic over at least one wireless channel.

38. (Previously Presented) The CDMA user device according to claim 35, wherein the urgency factor permits the dynamically allocating of an optimum number of wireless channels to the CDMA user device for receiving data traffic.

39. (Previously Presented) The CDMA user device according to claim 35, wherein the urgency factor is used to determine channel allocation on a per CDMA user device basis.

40-42. (Canceled)

43. (Previously Presented) The CDMA user device according to claim 35, wherein the data traffic comprises packet data corresponding to a particular traffic type attribute.

44. (Previously Presented) The CDMA user device according to claim 35, wherein the at least one data buffer is a memory structure controlled by a software application.

45. (Previously Presented) The CDMA user device according to claim 35, wherein the at least one data buffer is hardware controlled by a fast cache memory.